IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 1200 /2002

PETITIONERS : 1. Mohd. Aabsar Khan S/o Mohd Yasin Khan, aged about 40 years, working as Officer Scale-1 in Sarguja Regional Rural Bank, Branch- Krishnapur, Kalua, District- Sarguja(C.G.).

2. Arvind Kumar Gupta, S/o Late Shri Bhola Prasad Gupta, aged about 42 years, working as Officer Scale-1 in Sarguja Regional Rural Bank, Branch- Dharampur, District- Sarguja(C.G.).

P.R. No. 1209/02
Presented by Shri ... Advocate
dated 20.06.02

3. Sushil Kumar Mehto S/o Late Shri N.K.Mehto, aged about 40 years, working as Officer Scale-1 in Sarguja Regional Rural Bank, Branch- Ambikapur, District- Sarguja(C.G.).

4. Vinod Kumar Sharma S/o Shri Budhi Prasad Sharma, aged about 42 years, working as Officer Scale-1 in Sarguja Regional Rural Bank, Branch- Pandavpara, District- Korea(C.G.).

5. Virendra Kumar Ambasht, S/o Shri Jagdamba Prasad Ambast, aged about 41 years, working as Officer Scale-1 in Sarguja Regional Rural Bank, Branch- Kumda, District-Sarguja(C.G.).

- Versus -

RESPONDENTS : Sarguja Regional Rural Bank, Through – its Chairman, Head Office Kumar Complex, Mahamaya Chowk, Ambikapur

(5)

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE IN THE MATTER.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 1200/02 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14/01/2004: -

Shri Prashant Mishra learned counsel for the petitioners.
Shri Vinod Deshmukh learned counsel for the respondent.

With the consent of both the counsel, the matter is heard finally.

The petitioners in this petition filed under Articles 226/227 of the Constitution of India seek to issue writ of mandamus directing the respondents to grant seniority to the petitioners on the post of Officer from 01/10/1982 i.e. from the date of initial appointment and the gradation list may be corrected and for a direction to the respondent to grant all consequential benefits to the petitioner after fixation of their seniority in the gradation list in accordance with law.

(2) Brief facts of the case are that the respondent/Bank issued an advertisement (Annexure-P/1) inviting applications from the eligible candidates in the year 1982 for filling up the posts of Branch Managers. The petitioners who were fully qualified and eligible for appearing in the said examination submitted their form to the competent authority, but, however, at the end of the selection process the petitioners were given appointment to the post of Field Supervisor. In the year 1988 a gradation list of the Branch Managers

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and the Field Supervisors was published and subsequently the final gradation list was published in the year 1989. The Bank issued a Circular on 19/02/1988 clarifying the provisions regarding fixation of inter se seniority. In the year 2000 a combined gradation list of the branch Managers and the Field Officers was published. In the gradation list published in the year 2000 the persons from Sr. No.52 to 62 were lower in the merit list than the petitioners' at the time of original selection in the year 1982 and yet they were appointed as Branch Manager and the petitioners were illegally and arbitrarily given appointment as Field Supervisor though they appeared in the selection process for selection of Branch Manager.

(3) Learned counsel appearing for the petitioners submits that the petitioners may be permitted to make representation challenging the gradation list which will be considered on its own merits by the Bank/respondent keeping in view all aspects of the matter.

(4) Having considered the facts and circumstances of the case and without expressing any opinion on the merits of the case, in the opinion of this Court ends of justice will be served if the petitioners are permitted to make a detailed representation along with a copy of this petition within fifteen days from today before the competent

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	authority/respondent and on such representation being filed, the same shall be considered and decided by the competent authority as early as possible preferably within two months from the date of receipt of representation in accordance with law after hearing the petitioners. Till consideration of the representations, nothing be done jeopardizing the interest of the petitioners. If any adverse order is passed the petitioners may avail remedy available under the law. Till the (5) With the direction aforesaid, this petition is disposed of. Consequently, M.(W.)P. No.37 of 2004 and I.A. No.93 of 2004 stand disposed of. Sd/- Fakhruddin Judge	

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